

The Fundamental Right of a Secret Ballot

May 19, 2009

The secret ballot is fundamental to free and fair elections-and they're the hallmark of the democratic process. Most every time Americans go to the polls to vote, they do so by the means of a secret ballot.

Secret ballots protect the voter's privacy and allow the individual to vote his or her conscience without fear of reprisal from those who disagree with the voter's decision. As a nation, we celebrate when the citizens of other countries who were previously denied to vote in free and fair elections are finally able to do so. We watched with pride several years ago as Iraqis braved terrorist threats to cast their vote by secret ballot.

Mr. Speaker, if the secret ballot is used by Americans in local, state, and federal elections; if the secret ballot is used by citizens of other nations for which American soldiers have sacrificed; don't American workers also deserve this fundamental right?

If you can ask Kansans, they will say, yes, workers do deserve the right to a secret ballot election. A recent poll found that 65 percent of Kansans surveyed believe that the secret ballot should remain in use for union organizing.

Yet, despite the centrality of the secret ballot to our conception of fairness and public support for its use, many in Congress are pushing for the passage of legislation that would do away with this longstanding principle. In its place, the Employee Free Choice Act would allow unions to form if a majority of workers signed authorization cards-a process known as "card check." Without giving workers the protection of a secret ballot, each person's choice would be known to others. It is not unreasonable to believe that those who choose not to sign authorization cards would be subject to intimidation and coercion.

While this should be reason enough to defeat the Employee Free Choice Act, the legislation is further flawed. Provisions within the legislation require a mandatory arbitration process that would allow the federal government to dictate contract terms on businesses if a first contract is not agreed to within 120 days. The contract would be binding for two years and would cover decisions that are best left to company leaders that understand the specifics of that business and are most familiar with the competitive forces that the business faces.

In these difficult economic times, the government-imposed and -written contracts would have an especially devastating impact on businesses that would further delay our economic recovery. Allowing the government to impose contracts on private firms and their workers would effectively allow the government to pick winners and losers in the marketplace.

The Employee Free Choice Act is bad for workers and bad for the economy. Congress should reject this legislation and refocus its effort on initiatives that would protect the rights and privacy of American workers and strengthen the economy by creating conditions in which businesses can grow, prosper and create jobs.